

EXHIBIT 96

Declaration of Donovan Livingston

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA
CASE NO. 1:14-CV-954**

**STUDENTS FOR FAIR
ADMISSIONS, INC.,**

Plaintiff,

v.

**UNIVERSITY OF NORTH
CAROLINA et al.,**

Defendants.

DECLARATION OF DONOVAN LIVINGSTON

DECLARATION OF DONOVAN LIVINGSTON

I, Donovan Livingston, hereby make this declaration from my personal knowledge and, if called to testify to these facts, could and would do so competently:

Experience

1. I am a graduate of The University of North Carolina at Chapel Hill (UNC-CH). I came to UNC-CH from my hometown of Fayetteville, North Carolina. I earned a Bachelor of Arts in History from the UNC-CH in 2009.

2. Upon graduation, I served in the Carolina College Advising Corps from 2009 to 2010. Carolina College Advising Corps is a UNC-CH outreach program that helps low-income, first-generation, and underrepresented students find their way to colleges that will serve them well. As an African-American male graduate of UNC-CH, I thought my perspective would be helpful to advisees in the program, many of whom had backgrounds and experiences similar to mine.

3. I earned a Master's of Arts Degree in Higher and Postsecondary Education from Columbia University Teaching College in 2011.

4. From 2013 through 2015, I worked as an Academic Advisor for Upward Bound, which is a Carolina Higher Education Opportunity Program. I also served as a Lead Counselor at the Emily K Center and as a College Advisor with Student U. All of these programs are focused on academic success and college access for students from underrepresented or disadvantaged backgrounds.

5. I received a Master's of Education in Learning and Teaching from the Harvard University Graduate School of Education in 2016.

6. I am currently pursuing my Ph.D. in Educational Leadership and Cultural Foundations at The University of North Carolina at Greensboro.

7. While pursuing my PhD, I am working as a Program Manager for Pre-college Programs at Wake Forest University.

Experience at UNC-CH

8. Growing up in Fayetteville, I had a strong interest in going to Duke University. But after I visited UNC-CH, I fell in love. UNC-CH felt accessible to me, and I found that the campus had many things to offer.

9. Unfortunately, when I got to UNC-CH, I struggled being an underrepresented minority. I am a six foot six inch tall African American male, and I often found myself subjected to comments that reflected stereotypes about African American men. All too frequently, other students would see me and ask if I was on the basketball team. I felt like I should be playing basketball, and much of my identity was based around this. For the first two months at UNC-CH, I tried to make the varsity basketball team. After I did not make the basketball team, students, friends, and family would tell me I was a waste of height. This ate away at me and left me discouraged.

10. I wanted to establish a strong foundation at UNC-CH, so I gravitated towards African-American cultural activities, programs, and initiatives. I was very involved in the campus, including as an active member of the Black Student Movement (affinity group), a mentor for Movement of Youth (mentoring program for high school kids), a Vice-President of Phi Beta Sigma (black fraternity), and as a counselor for Project Uplift (pre-college program), a program coordinated by UNC-CH's Office of Diversity and Multicultural Affairs. I was not doing a lot outside of the black community at UNC-CH.

11. There are many reminders of the segregated history of UNC-CH on campus, and I kept thinking about how it was built by slave labor. It was a constant subtle reminder that I did not belong and that this institution was not constructed for me. It weighed on me as a student.

12. My failure to make the basketball team as well as the campus history made me feel that I was not meant to thrive here. I began performing poorly in class, and by the end of my first year, my G.P.A. was 1.6 out of 4.0.

13. My experience with Carolina United was a turning point. Carolina United is a program that brings students together to explore diversity. Student leaders across campus went to Efland, North Carolina for a week-long camp. We talked about race, ethnicity, religious diversity, and sexual orientation. It exposed me to another side of UNC-CH.

14. After this experience, my friend group and social network began to expand. My grades began improving and I gained more confidence. I found that I could reach out to other organizations for support like the UNC Interfraternity Council, Panhellenic Council, and Campus Y. I felt more integrated into the University after my experience with Carolina United.

15. Ultimately, through more connections to the diverse community at UNC-CH, I was able to find myself and succeed in and after my time at UNC-CH.

Spoken Word Poetry

16. One of the ways I express myself best is through spoken word poetry. At UNC-CH, I was co-president of the Ebony Readers/Onyx Theater, a performance group in the Black Student Movement that specializes in poetry, spoken word, and theatrical drama.

17. I have been able to share my perspective with others and educate them about issues related to race through poetry. Through my spoken word performances, I share a piece of myself in my most authentic voice.

18. In 2016, I performed two widely-viewed poems. The first was a joint poem titled *Dear Abby (An Open Letter Abigail Fisher)* that I performed with Michael Lee (also from the Harvard University Graduate School of Education) at the Black Policy Conference at the John F. Kennedy School of Government. The poem is about why race should play a factor in the admissions process and why race matters in college. We explored white privilege, the unfairness of standardized testing, historical context, school inequalities, systemic racism, and other issues.

19. The second poem, called *Lift Off*, I performed when speaking at Harvard University Graduate School of Education's 2016 convocation exercises. At the convocation, I quoted Horace Mann: "Education then, beyond all other devices of human origin, is a great equalizer of the conditions of men." The quote is from 1848. If I was alive in the United States at that time, I would not have been able to read or write that quote. And often, any attempt by me to do so would have been punished by death.

20. In *Lift Off*, I describe how I found my voice:

I was in the 7th grade, when Ms. Parker told me,
"Donovan, we can put your excess energy to good use!"
And she introduced me to the sound of my own voice.
She gave me a stage. A platform.
She told me that our stories are ladders
That make it easier for us to touch the stars.
So climb and grab them.
Keep climbing. Grab them.
Spill your emotions in the big dipper and pour out your soul.
Light up the world with your luminous allure.

21. In *Lift Off*, I also talk about how I turn frustration and isolation into education of others:

There are days I feel like one, like only —
A lonely blossom in a briar patch of broken promises.
But I've always been a thorn in the side of injustice.
Disruptive. Talkative. A distraction.

With a passion that transcends the confines of my consciousness

—
Beyond your curriculum, beyond your standards.
I stand here, a manifestation of love and pain,
With veins pumping revolution.
I am the strange fruit that grew too ripe for the poplar tree.
I am a DREAM Act, Dream Deferred incarnate.
I am a movement – an amalgam of memories America would care
to forget
My past, alone won't allow me to sit still.

22. UNC-CH is looking at ways to incorporate spoken word poetry into its THRIVE initiative to promote male minority success, and I am helping with that effort. We know that the transition to college can be hard for minority students, and the idea is to let these students know they do not walk alone.

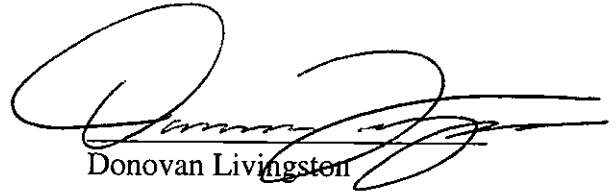
23. The poets who are part of this effort are UNC-CH alums and current students willing to talk about the struggles that have impacted them along the way. Our goal is to give students a place to join the conversation and share their journey. For this effort, I prepared a spoken word piece entitled *Donovan's Journey*. This video has been provided as Livingston Declaration Exhibit 1. The video speaks to my experiences at UNC-CH, including how I overcame challenges, and I hope that it will inspire others to believe and to succeed.

Conclusion

17. Diversity in education, and including underrepresented voices like mine in the conversation, is critical to truly learning and understanding the history of race in this country and making the world better. I benefitted, and was ultimately able to succeed at UNC-CH, Columbia, and Harvard, due to programs at UNC-CH that embraced and promoted diversity.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 05/17/2017



Donovan Livingston